

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
MARK SKILES,)
)
Defendant.)
_____)

NO. CR11-05232 BHS

GOVERNMENT'S PROPOSED
VOIR DIRE QUESTIONS

The United States of America, by and through Jenny A. Durkan, United States Attorney, and Nicholas W. Brown and Roger Rogoff, Assistant United States Attorneys, respectfully ask this Court to ask the jury the following general questions during voir dire, with appropriate follow-up if needed. The government also seeks to advise the jurors that, if any of them feel uncomfortable answering a question in front of other jurors, they may ask to speak about their answer privately.

1. Have any of you heard of this case before today?
2. Do any of you know any of the attorneys, the defendant, or witnesses in this case? (Court to read witness lists).
3. Do any of you know each other?
4. Do any of you work or volunteer, or have any of you worked or volunteered, for law enforcement?

1 5. Do any of you have any close friends or relatives who work for or volunteer
2 for law enforcement?

3 6. Do any of you work, or have any of you worked, for an agency or firm that
4 represents criminal defendants?

5 7. Do any of you have any close friends or relatives who work for, or have
6 worked for, such an agency or firm?

7 8. Have any of you received any training in the law?

8 9. Do any of you know me, the defendant, any of the lawyers, or any of the
9 court staff?

10 10. Do any of you work, or have any of you worked, for the courts?

11 11. Do any of you have any close friends or relatives who work, or have
12 worked, for the courts?

13 12. Have any of you served on a civil jury before?

14 a. Was that jury able to reach a verdict?

15 13. Have any of you served on a criminal jury before?

16 a.. Was that jury able to reach a verdict?

17 14. Have any of you served on a grand jury before?

18 15. Have any of you ever been involved in a dispute with the federal
19 government?

20 a. Was that dispute resolved to your satisfaction?

21 b. Would anything about that experience prevent you from serving as a
22 fair juror in this case?

23 16. Do any of you have any close friends or relatives who have been involved
24 in a dispute with the federal government?

25 a. Was that dispute resolved to your friend or relative's satisfaction?

26 b. Would anything about your friend's or relative's experience prevent
27 you from serving as a fair juror in this case?

1 17. Have any of you had a particularly positive experience with law
2 enforcement?

3 18. Have any of you had a particularly negative experience with law
4 enforcement?

5 19. Have any of you been arrested?

6 a. If so, were you treated fairly by law enforcement?

7 b. Were you treated fairly by the prosecutor?

8 c. Were you treated fairly by the court?

9 20. Do any you have any close friends or relatives who have been arrested?

10 a. If so, was your friend/relative treated fairly by law enforcement?

11 b. Was your friend/relative treated fairly by the prosecutor?

12 c. Was your friend/relative treated fairly by the court?

13 21. Have any of you, or any of your close friends/relatives, ever been unjustly
14 accused of a crime, even if such accusation was unofficial or made by someone other than
15 law enforcement or the Government?

16 22. Would any of you give greater credence to the testimony of a federal agent
17 or law enforcement officer?

18 23. Would any of you give greater credence to the testimony of an agent from
19 the Bureau of Alcohol, Tobacco and Firearms (ATF)?

20 23. Would any of you tend to doubt the testimony of a federal agent or law
21 enforcement officer because of the fact that he or she is a federal agent or law
22 enforcement officer?

23 24. Would any of you tend to doubt the testimony of an agent from the Bureau
24 of Alcohol, Tobacco, and Firearms because of the fact that he or she is an ATF agent?

25 24. What term would you use to describe a person who reports a friend to law
26 enforcement?

1 25. You may hear testimony in this case from a witness who has pleaded guilty
2 to Federal firearms charges, and that the government has made certain promises relating
3 to his or her sentence in exchange for his or her guilty plea and agreement to testify. Is
4 there anyone who would not believe that person's testimony because of the promises
5 made by the government?

6 26. Are you a gun owner?

7 a. How many guns?

8 b. What types of guns?

9 27. Do any of you have any close friends or relatives who are gun owners?

10 a. How many guns?

11 b. What types of guns?

12 28. Have you or a close friend or relative ever purchased or sold a gun at a gun
13 show?

14 29. Have you ever attended a gun show?

15 30. Do any of you recall the legislative debate regarding the, "gun show
16 loophole" as it relates to federal firearms licensing?

17 31. Do any of you currently possess a federal firearms license, which allows
18 you to sell firearms?

19 32. This case involves allegations that the Defendant illegally sold guns at a
20 gun show without a federal firearms license:

21 a. Do any of you have any strong feelings about such a charge that
22 would prevent you from rendering a fair and impartial verdict in this case?

23 b. Do any of you have any strong feelings about the use and/or sale of
24 guns that would prevent you from rendering a fair and impartial verdict in this case?

25 c. Do any of you belong to any group whose purpose it is to lobby
26 Congress or advocate for changes in gun laws (i.e., the NRA, the Brady Campaign, etc.)?
27
28

1 33. Do any of you have opinions about whether and how the United States
2 Government should alter its laws related to gun possession and/or sale?

3 34. Do any of you think, as a matter of conscience, that you could not convict a
4 defendant of a crime, even though the evidence proved the defendant guilty beyond a
5 reasonable doubt?

6 35. At the end of the case, I will be giving you instructions, called Jury
7 Instructions. Some of these instructions inform you as to what the law is, and what the
8 government has to prove and what the defense has to prove, if anything, to be successful
9 in making their case. Do any of you think that you would not be able to follow the
10 instructions I give if they are different than what you believe the law to be or different
11 than what you believe the law should be?

12 36. Do any of you have any religious or moral beliefs that prevent you from
13 passing judgment on others?

14 37. Do any of you have a medical condition that would make it difficult for you
15 to sit on this jury or that would make it difficult for you to pay attention to the trial?

16 38. Can you think of any reason why you could not be a fair juror in this case?
17

18 DATED this 12th day of October, 2011.
19

20 Respectfully submitted,

21 JENNY A. DURKAN
22 United States Attorney

23 s/ Nicholas W. Brown
24 NICHOLAS BROWN
25 ROGER ROGOFF
26 Assistant United States Attorneys
27 United States Attorney's Office
28 700 Stewart Street, Ste. 5220
 Seattle, Washington 98101
 Facsimile: 206-553-0755
 Phone: 206-553-1565
 E-mail: Nicholas.Brown@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2011 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s).

s/Karen Wolgamuth
KAREN WOLGAMUTH
Paralegal
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
Phone: (206) 553-5050
FAX: (206) 553-4440
E-mail: karen.wolgamuth@usdoj.gov